

March 2, 2015

Attn: Shirley Liggins  
NC Dept. of Environment and Natural Resources  
Division of Waste Management  
1646 Mail Service Center  
Raleigh, NC 27699-1646



Re: Above the Fold, LLC  
Brownfields Application for  
215 South McDowell Street  
Raleigh, NC

Dear Ms. Liggins;

Attached please find our Brownfields application for the above reference site, 2 CD's containing additional information for the application and a survey with legal description of the property.

If you should have any questions, please do not hesitate to call me at 919-802-2233 or our environmental engineer Cheryl Moody of Atlantic Shores at 910-512-5321.

Thank you,

Best,

Joe Whitehouse  
Above the Fold, LLC  
7101 Creedmoor Road  
Suite 142  
Raleigh, NC 27613

**Brownfields Property Application**  
North Carolina Brownfields Program  
[www.ncbrownfields.org](http://www.ncbrownfields.org)



**I. PROSPECTIVE DEVELOPER (PD) INFORMATION (USE TAB KEY TO GET TO NEXT DATA ENTRY LINE – DO NOT USE THE RETURN KEY)**

**A. PD information:**

Entity name	Above the Fold, LLC
Principal Officer	Mark Andrews
Representative	Joe Whitehouse
Mailing Address	7101 Creedmoor Road Suite 142 Raleigh, NC 27613
E-mail address	Mark@timeinvestments.com
Phone No.	919-877-8167
Fax No.	919-844-7378
Web site	tmeinvestments.com

**B. PD contact person information (i.e., individual who will serve as the NCBP's point of contact if different than above):**

Name	Cheryl Moody
Company	Atlantic Shores Environmental Services, Ltd
Mailing Address	154 Backhoe Road Leland, NC 28451
E-Mail Address	cmoody@atlanticshoresenv.com
Phone No.	910-371-5980
Fax No.	910-371-6652

**C. Information regarding all parent companies, subsidiaries or other affiliates of PD (attach separate sheet(s) if necessary):**

**(Use for LLCs)**

Member-managed or manager-managed? **Answer: Manager Managed**

If manager-managed, provide name of manager and percent of ownership:

Name	Mark Andrews
Ownership (%)	To be Determined
Mailing Address	7101 Creedmor Road Suite 142 Raleigh, NC 27613
E-Mail Address	Mark@tmeinvestments.com
Phone No.	919-877-8167
Fax No.	919-844-7378

For all LLCs, list all members of the LLC and provide their percent of ownership:

Name	Micheal Sandman
Ownership (%)	To be Determined
Mailing Address	7101 Creedmoor Road, Suite 142 Raleigh NC 27613
E-Mail Address	
Phone No.	
Fax No.	

Name	Joe Whitehouse
Ownership (%)	To be Determined
Mailing Address	6109 Iris Court Raleigh NC, 27612
E-Mail Address	joe@cueinc.net
Phone No.	919-8020-2233
Fax No.	

Name	Russ Jones
Ownership (%)	To be Determined
Mailing Address	1207 Front Street Raleigh NC 27609
E-Mail Address	rjones@davidsonandjones.com
Phone No.	919-829-2499
Fax No.	

Henry Ward  
% ownership to be determined  
1207 Front Street  
Raleigh, NC 27609  
henry@lodenproperties.com  
919-829-2499

Mark Andrews  
7101 Creedmor Road Suite 142  
Raleigh, NC 27613  
Mark@tmeinvestments.com  
919-877-8167

Managers of manager-managed LLCs are required to execute all brownfield documents for the LLC; as to member-managed LLCs, state name of member who will sign these documents.

Mark Andrews

List all parent companies, subsidiaries and other affiliates:

None

**(Use for Partnerships)**

Check one: ☐ General Partnership ☐ Limited Partnership

List all partners and percent of ownership:

Name

Ownership (%)

Mailing Address

E-Mail Address

Phone No.

Fax No.

Is this person a general or limited partner?

Name

Ownership (%)

Mailing Address

E-Mail Address

Phone No.

Fax No.

Is this person a general or limited partner?

List all parent companies, subsidiaries and other affiliates:

**(Use for corporations other than LLCs)**

*(If information is the same as shown in 1.A., please indicate "same as 1.A." below.)*

Name

Mailing Address

E-Mail Address

Phone No.

Fax No.

List all parent companies, subsidiaries and other affiliates:

**(Use for individuals)**

*(If individual is the same as shown in 1.A., -please indicate "same as 1.A." above.)*

Name

Mailing Address

E-Mail Address

Phone No.

Fax No.

- D. Does PD have or can it obtain the financial means to fully implement a brownfields agreement and assure the safe reuse of the property? *(Attach supporting documentation such as letters of credit, financial statements, etc.)*

Answer Yes

Explanation The project will be financially backed by Above the Fold, LLC.

- E. Does PD have or can it obtain the managerial means to fully implement a brownfields agreement and assure the safe use of the property?

Answer Yes

Explanation The project will be managed in house with guidance from the law firm of Moore & VanAllen and environmental consultant, Atlantic Shores Environmental Services, Ltd., each of whom have extensive experience in management of Brownfield activity

- F. Does PD have or can it obtain the technical means to fully implement a brownfields agreement and assure the safe use of the property?

Answer Yes

Explanation The law firm Moore & VanAllen PLLC and the environmental consulting firm Atlantic Shores Environmental Services, Ltd. have been retained to aid in the technical implementation of the brownfield agreement, each of whom have extensive experience in the technical implementation of Brownfield agreements.

- G. Does PD commit that it will comply (and has complied, if PD has had a prior project in the NCBP) with all applicable procedural requirements of the NCBP, including prompt payment of all statutorily required fees?

Answer Yes

*(List all NCBP project name(s) and NCBP project ID numbers where PD or any parent company, subsidiary and other affiliate of PD has been a party to.)*

NA

- H. Does PD currently own the property?

Answer No

If yes, when did PD purchase the property and from whom? *(Provide name, address, telephone number and email address of the contact person for the current property owner.)*

NA

If no, provide the name, address, telephone number and e-mail address of the contact person for the current property owner

Pete Caison  
The News & Observer  
215 South McDowell Street  
P.O. Box 191  
Raleigh, NC 27602  
Pete.caison@newsobserver.com  
919-829-4819

- I. If PD does not currently own the property, does PD have the property under contract to purchase?

Answer      Yes

If yes, provide date of contract.    11-16-15

If no, when does the PD intend to purchase the property (e.g., after the project is determined to be eligible for participation in the NCBP, after PD receives a draft BFA, after the conclusion of the brownfields process)? Note: the Act requires the PD to demonstrate that it intends to either buy or sell the property.

- J. Describe all activities that have taken place on the property since PD or PD's parents, subsidiaries and/or other affiliates, and/or lessees or sublessees of PD, took ownership of or operated at the property (e.g., industrial, manufacturing or commercial activities, etc.). *(Include a list of all regulated substances as defined at NCGS § 130A-310.31(b)(11) that have been used, stored on, or otherwise present at the property while those activities were conducted, and explain how they were used.)*

The PD has not operated at the site.

## II. SITE INFORMATION

- A. Information regarding the proposed brownfields property:

Proposed project name      Above The Fold

acreage 3.3 street address(es)      215 South McDowell Street, 123 Westy Hargett Street  
and a portion of 111 West Hargett Street

city Raleigh      County Wake      zip      27601

tax ID(s) or PIN(s)      1703684170, 1703684300 and a portion of 1703684390 (to be  
subdivided),

past use(s)      Based on our historical review, the site was predominately residential  
prior to 1900 with some mixed-use land. Printing operations began on the site some time  
between 1903 and 1909, with four printing companies located along West Martin, South  
Salisbury and West McDonald Street. Identified historical occupants of concern for the site  
include several dry cleaners, printers and engravers, manufacturing companies, motor sales,  
repair garages and photograph studios. Printing operations began on the site some time  
between 1903 and 1909 and have continued to present day.

current use(s)      The site is currently being used by the News and Observer Publishing  
Company. Operations conducted on the site include printing operations, newspaper  
production, and office work. One parking deck and two parking lots are also located on the  
site.

cause(s)/source(s) of contamination:

known      Petroleum Products and chlorinated solvents

suspected      metals, voc's, and svoc's

- B. Regulatory Agency Involvement: List the site names and all identifying numbers (ID No.)  
previously or currently assigned by any federal, state or local environmental regulatory  
agencies for the property. The ID No's may include CERCLIS numbers, RCRA generator  
numbers for past and present operations, UST database, Division of Water Quality's incident  
management database, and/or Inactive Hazardous Sites Branch inventory numbers. *(In  
many instances, the PD will need to actively seek out this information by reading  
environmental site assessment reports, reviewing government files, contacting government  
officials, and through the use of government databases, many of which may be available over  
the internet.)*

Agency Name/ID No: NC DEQ Division of Waste Management, UST section Incident No.  
14813.

Agency Name/ID No: City of Raleigh Discharge Permit

Agency Name/ID No:

Agency Name/ID No:

Agency Name/ID No:

- C. In what way(s) is the property abandoned, idled, or underused?



For approximately 50 years the subject site has served as the location for one business, owned by a single company, The News and Observer Publishing Company. With the newspaper business in steady decline, the company has continued to decrease its operations, thus underutilizing the site. With the proposed redevelopment of the site, this property will be better utilized by the community by creating residential, commercial and possibly retail space, and service related services as well as creating hundreds of jobs for the redevelopment and the final operation of the site. Without redevelopment the site may become unused.

**D. In what way(s) is the actual or possible contamination at the property a hindrance to development or redevelopment of the property (attach any supporting documentation such as letters from lending institutions)?**

A dry cleaner was located on the southern portion of the site at 122 West Martin Street between 1940 and 1972. However three other dry cleaner locations were also identified along West Martin Street in 1922-1926, 1952 and 1952-1957. One historical dry cleaner was also identified in 1936 on South Salisbury Street but is assumed to be the same location as one of the West Martin Street drycleaners.

A 550-gallon mineral spirits UST and a 550-gallon No. 2 fuel oil UST were removed from the site in August 1994. The tanks were not in use at the time. The tanks were identified upon removal of a concrete pad at the rear of the former dry cleaner at 122 South Martin Street. A dry cleaner was reportedly located at this address from at least 1941 to 1972.

A release was identified in the tank pit. Soil samples from the base of the excavation were analyzed for the presence of total petroleum hydrocarbons (TPH) (diesel, gasoline and mineral spirits fractions), oil and grease and volatile and semi volatile organics. However, the stockpiled soil was also analyzed for the presence of polychlorinated biphenyl's and TCLP metals. Elevated TPH was identified in the excavation samples. Tetrachloroethene (Perc) was identified above both the groundwater protection criteria established by NCDEQ (Inactive Hazardous Sites Branch Preliminary Soil Remediation Goals -September 2015) in three of the four soil samples collected. However it should be noted that the method detection limit for the fourth sample was below the regulatory criteria for PERC.

TCLP metals and PCBs were not identified above the method detection limits in these samples. Approximately 66 cubic yards of soil was removed from the tank excavation, which extended down to approximately 13 feet.

A North Carolina Division of Environmental Management (a precursor of DEQ) issued a Review of UST Closure Report dated November 3, 1995, which suggests that the incident was closed at that time.

In addition to the above mentioned USTs, four other UST's were present on the site, under one of the building additions. These tanks include a 5,500-gallon UST reportedly installed in 1958 and removed in 1989 and three 4000-gallon UST's reportedly installed in 1978 and removed in 1989. Investigation of the soil or groundwater in the vicinity of these tanks has not been identified.

The site is a RCRA generator and has operated as printing company on all or portions of the site since approximately 1909. No groundwater samples have been analyzed.

Suspected groundwater and soil impacts may increase the cost of redevelopment to a point that redevelopment of the property is prohibited, and/or obtaining a bank loan may be difficult.

- E. In what way(s) is the redevelopment of the property difficult or impossible without a brownfields agreement (attach any supporting documentation such as letters from lending institutions)?

For the same reasons discussed in section D.

- F. What are the planned use(s) of the redeveloped brownfields property to which the PD will commit? Be as specific as possible.

Although the final plans for the redevelopment of the property are still in the development stages, proposed uses include a hotel, office building, ground level retail, multi-family units, a health club, condos, and structured parking both above and below ground. All of the site structures are slated for demolition with the exception of the 1984 vintage structure (southeastern most structure), which will be renovated to house a smaller operation of the News & Observer.

- G. Current tax value of brownfields property: \$8,864,208

- H. Estimated capital investment in redevelopment project: \$185,000,000

- I. List and describe the public benefits that will result from the property's redevelopment. Be as specific as possible. (Examples of public benefits for brownfields projects include job creation, tax base increases, revitalization of blighted areas, preserved green space, preserved historic places, improving disadvantaged neighborhood quality-of-life related retail shopping opportunities, affordable housing, environmental cleanup activities or set asides that have community or environmental benefits. In gauging public benefit, NCBP places great value upon letters of support from community groups and local government that describe anticipated improvements in quality of life for neighboring communities that the project will bring about. The inclusion of such support letters with this application is recommended and encouraged.)

Developing this property with the proposed hotel alone, the potential for increased tourism and spending within the area will likely be significant. Additionally creating office spaces, health club and residential units will invite smaller businesses and families to the downtown Raleigh area.

Additional public benefits include the following:

- Eliminating potential health and safety hazards;
- Eliminating eyesores;
- Creating new jobs for construction;
- Bringing new jobs into the community;
- Bringing new investment into the community;
- Increasing property values and tax receipts by local and state governments.

**Special Note:** Please describe all environment-friendly technologies and designs PD plans to utilize in its redevelopment strategy. For example, environment friendly redevelopment plans could include: Leadership in Energy and Environmental Design (LEED) Certification, green building materials; green landscaping techniques such as using drought resistant plants; energy efficient designs, materials, appliances, machinery, etc.; renewable sources of energy, and/or recycling/reuse of old building materials such as brick or wood.

The development is considering a number of environmental and socially friendly considerations for the project. These include energy efficient design features, environmentally sensitive materials and usage during construction and operation of the project along with the potential of green roofs, great social areas within the project, public art, potential upgrades to the surrounding area, and workforce housing but the precise nature of those features and practices will be determined during the design phase. .

- J. Who will own the brownfields property when the Notice of Brownfields Property is filed with the register of deeds at the conclusion of the brownfields process? (If information is the same as 1.A. above, please indicate.)

Name Same as 1.A.

Mailing Address

E-Mail Address

Phone No.

Fax No.

### III. OTHER REQUIRED INFORMATION

- A. Brownfields Affidavit: PD must provide its certification, in the form of a signed and notarized original of the unmodified model brownfields affidavit provided by NCBP, that it did not cause or contribute to contamination at the property and that it meets all other statutory eligibility requirements. *(Note: The form to use for this affidavit is attached to this application. It must be filled out signed notarized, and submitted with this application.)*  
Is the required affidavit, as described above, included with this application?

Answer Yes

- B. Proposed Brownfields Agreement Form: PD must provide the completed form Proposed Brownfields Agreement. *(Note: The form to use for this document is attached to this application. It must be filled out, initialed, and attached on your submittal.)*  
Is the required Proposed Brownfields Agreement, as described above, included with this application?

Answer Yes

- C. Location Map: PD must provide a copy of the relevant portion of the 1:24,000 scale U.S.G.S. topographic quadrangle map that shows the property clearly plotted, and that measures at least an 8 1/2 by 11 inches. *(Note: these maps can be purchased through the above link, or often through retail outdoor recreation stores that can print out the relevant map. Often environmental reports have location maps that use this type of map as the base for its location map.)*  
Is the required location map included with this application?

Answer Yes

- D. Survey Plat: PD must provide a preliminary survey plat of the brownfields property with the property boundaries clearly identified, and a metes and bounds legal description that matches the property description on the plat. At this stage of the brownfields process; one or more existing survey plats from a previous property conveyance will suffice. *(Before the brownfields project enters the public comment phase of the brownfields process, the PD will be required to submit a final brownfields survey plat which includes the information listed in the brownfields survey plat guidance.)*  
Is the required preliminary survey plat included with this application?

Answer Yes

- E. Site Photographs: PD must provide at least one pre-redevelopment photograph of the property, in either hard copy or electronic format that shows existing facilities and structures. **Please note that the NCBP prefers to have electronic photos instead of or in addition to hard copies. Electronic copies of photographs should be emailed to: [Shirley.Liggins@ncdenr.gov](mailto:Shirley.Liggins@ncdenr.gov) with a clear indication as to which Brownfields Application they apply to.**  
Are photographs of the property included with this application?

Answer Yes

Have electronic copies of the photographs been emailed to NCBP?

Answer Yes

- F. Environmental Reports/Data: If it makes an affirmative eligibility determination, the NCBP will request that PD provide any and all existing environmental reports and data for the property on CD only. The brownfields process may be expedited if PD submits such reports/data with this application.  
Are any environmental reports/data being submitted with this application?

Answer Yes

If environmental reports/data are being submitted with this application, please provide the title, date and author of each item being submitted:

**Pollution Incident/U.S.T Leak Reporting Form. News & Observer Publishing Company. Incident # 14813. August 12, 1994. Department of Environment, Health, Natural Resources Division of Environmental Management.**

**Underground Storage Tank Removal Report. The News & Observer. September 23, 1994. Groundwater Technology, Inc.**

**UST (S) Closure Checklist. News & Observer Publishing Company. September 28, 1995.**

**Report of Additional Investigation and Site Sensitivity Evaluation. The News & Observer Publishing Company. October 3, 1995. Groundwater Technology, Inc.**

**Review of Underground Storage Tank Closure Report. News & Observer Publishing Company. November 3, 1995. NC Department of Environment, Health and Natural Resources.**

**Report of Analytical Results. Dated November 14, 2012. Prepared by Pace Analytical Services, Inc. Pace Project No.: 92138294.**

**City of Raleigh Industrial Discharge Permit. Dated December 31, 2013. Prepared by the City of Raleigh, Industrial Pretreatment Coordinator.**

**Report of Laboratory Results for The News & Observer: Bi-Annual Day 1 of 1 (June, Dec). Dated December 2, 2015. Prepared by ENCO Laboratories.**

**Report of Laboratory Results for The News & Observer: Bi-Annual Day 1 of 1 (June, Dec). Dated December 22, 2015. Prepared by ENCO Laboratories.**

**Phase I Environmental Site Assessment, News and Observer Properties. 215 South McDowell Street, 111 and 123 West Hargett Street Raleigh, North Carolina. Dated February 26, 2016. Prepared by Atlantic Shores Environmental Services Ltd.**

**XRF Lead-Based Paint Inspection Report. Dated January 21, 2016. Prepared by The EI Group, Inc. EI Project No. IHM0160013.00.**

**Report of Limited Asbestos Survey News and Observer Properties 215 South McDowell Street, 111 and 123 West Hargett Street Raleigh, North Carolina. Dated February 19, 2016. Prepared by Atlantic Shores Environmental Services, Ltd. ASE Project No. 1259A**

#### **IV. ADDITIONAL REQUIRED FORMS**

**The following forms are to be filled out and submitted with the application including the Responsibility and Compliance Affidavit and the Proposed Brownfields Agreement. Submittal of the Affidavit requires signature and notarization, and the Proposed Brownfields Application requires an initial.**

**NORTH CAROLINA DEPARTMENT OF ENVIRONMENT  
AND NATURAL RESOURCES  
NORTH CAROLINA BROWNFIELDS PROGRAM**

**IN THE MATTER OF: Above The Fold, LLC**

<b>UNDER THE AUTHORITY OF</b>	)	<b>AFFIDAVIT</b>
<b>NORTH CAROLINA GENERAL</b>	)	<b>RE: RESPONSIBILITY</b>
<b>STATUTES § 130A-310.30, et. seq.</b>	)	<b>AND COMPLIANCE</b>

Above the Fold LLC, being duly sworn, hereby deposes and says:

1. I am <<Mark Andrews>> of Above The Fold, LLC.
2. [if signatory is not President, add this paragraph: "I am fully authorized to make the declarations contained herein and to legally bind Above The Fold, LLC."]
3. Above The Fold, LLC is applying for a Brownfields Agreement with the North Carolina Department of Environment and Natural Resources, pursuant to N.C.G.S. § 130A, Article 9, Part 5 (Brownfields Act), in relation to the following 1703684170, 1703684300 and a portion of 1703684390 (to be subdivided) parcel(s) in Raleigh, Wake, County, North Carolina: 215 South McDowell Street, 123 Westy Hargett Street and a portion of 111 West Hargett Street.
4. I hereby certify, under the pains and penalties of perjury and of the Brownfields Act, that Above the Fold, LLC, and any parent, subsidiary or other affiliate meets the eligibility requirements of N.C.G.S. § 130A-310.31(b)(10), in that it has a *bona fide*, demonstrable desire to buy ☒ sell ☐ for the purpose of developing or redeveloping, and did not cause or contribute to the contamination at, the parcel(s) cited in the preceding paragraph.
5. I hereby certify, under the pains and penalties of perjury and of the Brownfields Act, that Above The Fold, LLC meets the eligibility requirement of N.C.G.S. § 130A-310.32(a)(1) in that it and any parent, subsidiary or other affiliate have substantially complied with:
  - a. the terms of any brownfields or similar agreement to which it or any parent, subsidiary or other affiliate has been a party;
  - b. the requirements applicable to any remediation in which it or any parent, subsidiary or other affiliate has previously engaged;
  - c. federal and state laws, regulations and rules for the protection of the environment.

Affiant further saith not.

Mark Andrews  
Signature/Printed Name

Date

3/1/14

Sworn to and subscribed before me

this 1st day of March, 2014.

\_\_\_\_\_  
Notary Public

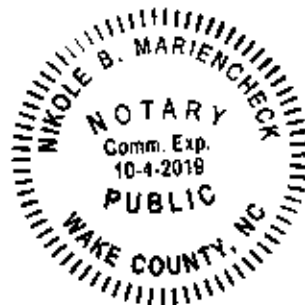
My Commission expires: 10/4/2019



My commission expires:

10/4/2019

(SEAL)



# Preliminary Proposed Brownfields Agreement

## I. Property Facts

a. Property Address(es): 215 South McDowell Street, 123 Westy Harget Street and a portion of 111 West Hargett Street

b. Property Seller: The News & Observer Publishing Company

c. Property Buyer: Above the Fold, LLC

d. Brief Property Usage History: Based on our historical review, the site was predominately residential prior to 1900 with some mixed-use land. Printing operations began on the site some time between 1903 and 1909, with four printing companies located along West Martin, South Salisbury and West McDonald Street. Identified historical occupants of concern for the site include several dry cleaners, printers and engravers, manufacturing companies, motor sales, repair garages and photograph studios. Printing operations began on the site some time between 1903 and 1909 and have continued to present day. One parking deck and two parking lots are also located on the site.

e. The planned reuse will potentially involve the following use classification(s) (check all that apply):

- ☒ School/childcare/senior care
- ☒ Residential
- ☒ Commercial, retail (specify) Ground floor retail
- ☒ Other commercial (specify) Hotel, Condos, health club, Printing business
- ☒ Office
- ☐ Light industrial
- ☐ Heavy industrial
- ☒ Recreational
- ☐ Open space
- ☒ Other (specify) Parking Deck

## II. Contaminant Information

a. The contaminant situation at the property is best described by the following (check all that apply):

- ☒ Contaminants are from an on-property source(s)
- ☒ Contaminants are from an off-property source(s)
- ☐ Contaminants are from an unknown source(s)
- ☐ Contaminants have not yet been documented on the property



b. Contaminated Media Table. (If known, check appropriate boxes below)

Contaminant Types		Soil		Groundwater and/or Surface Water		Private Wells		Vapor Intrusion	
		known	Suspected	known	Suspected	known	suspected	known	suspected
o r g a n i c s	Chlorinated Solvents (list):	PCE	PCE		X				
	Petroleum: ASTs <input type="checkbox"/> USTs <input checked="" type="checkbox"/> Other <input type="checkbox"/>		X		X				
	Other (list):								
i n o r g a n i c s	Metals (list):		X		X				
	Other (list):								

### III. Protective Measures

I am prepared to take steps necessary to make the property suitable for its planned uses while fully protecting public health and the environment. I propose that NCBP consider a brownfields agreement that will make the property suitable for the planned use(s) through the following mechanism(s) (check all that apply):

- ☐ Contaminant remediation to risk-based levels.
- ☒ Engineered Controls (e.g., low permeability caps, vapor mitigation systems, etc)
- ☒ Land use restrictions that run with the land that will restrict or prohibit uses that are unacceptable from a risk assessment/management perspective. (*Important Note: In any*

*final brownfields agreement generated by the NCBP, land use restrictions will ultimately come with the continuing obligation to submit an annual certification that the Land Use Restrictions are being complied with and are recorded at the applicable register of deeds office.)*

#### IV. Fees

In connection with a brownfields agreement, the Act requires that the developer pay fees to offset the cost to the Department of Environment and Natural Resources and the Department of Justice. In satisfaction of the Act, the following fees apply to any brownfields agreement that is developed for this project, subject to negotiation of the brownfields agreement:

- a. A \$2,000 initial fee will be due from the applicant PD when both of the following occur:
  - 1) NCBP receives this application and proposed brownfields agreement, AND
  - 2) NCBP notifies the applicant in writing that the applicant PD and the project are eligible for participation in the NCBP and continued negotiation of a brownfields agreement.
- b. A second fee of \$6,000 will be due from the PD prior to execution of the brownfields agreement. Should the prospective developer choose to negotiate changes to the agreement that necessitate evaluation by the Department of Justice, additional fees shall apply.
- c. Any addendum/modifications to the BFA or NBP after they are in effect will result in an additional fee of at least \$1,000.
- d. In the unexpected event that the environmental conditions at the property are unusually complex, such that NCBP's costs will clearly exceed the above amounts, NCBP and PD will negotiate additional fees.

☒ *MD* Please check this box and initial in space provided to indicate your acknowledgement of the above fee structure.

Date of Submittal:

*Unh [Signature]*  
*3/1/14*